

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

UNITED STATES OF AMERICA

v.

RODNEY JAMIE HICKS

No. 2-19-CR-043-D

**GOVERNMENT’S UNOPPOSED MOTION
FOR PRELIMINARY ORDER OF FORFEITURE**

The United States of America (the government) requests entry of a preliminary order of forfeiture, and in support states:

I. BACKGROUND

1. Count 6 of the indictment charged the defendant Rodney Jamie Hicks with violations of 922(g)(1) and 924(a)(2) and notified the defendant that upon conviction, the government will seek to forfeit 84 rounds of ammunition (“the property”). *See* Indictment (Dkt. 23).

2. Hicks pled guilty to Count 6 and described in a factual resume how the property was involved in the offense. *See* Plea Agreement and Factual Resume (Dkts. 42 and 43).

II. AUTHORITIES

3. The court’s jurisdiction is based on 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), and Rule 32.2 of the Federal Rules of Criminal Procedure.

4. Pursuant to 18 U.S.C. § 924(d), any firearm or ammunition involved or used in a knowing violation of 18 U.S.C. § 922(g)(1) and 924(a)(2) may be civilly

forfeited, and 28 U.S.C. § 2461(c) makes criminal forfeiture possible where a criminal law has been violated and civil forfeiture is authorized in connection with the offense.

III. ARGUMENT

5. Based upon Moore's guilty plea and factual resume, the government has established the requisite nexus between the property and the violations charged in the indictment. Accordingly, the property is subject to forfeiture to the government.

6. Pursuant to Fed. R. Crim. P. 32.2(b), if there is a finding property is subject to forfeiture, the court shall promptly enter a preliminary order of forfeiture directing the forfeiture of that property without regard to any third party's interest in all or part of the forfeited property. Third party interests are adjudicated in the ancillary proceeding under Rule 32.2(c).

7. Upon entry of the preliminary order of forfeiture, pursuant to 21 U.S.C. § 853(n) and Fed. R. Crim. P. 32.2(b)(3), the Attorney General will post notice of the forfeiture on an official government website (www.forfeiture.gov) for at least 30 consecutive days which describes the property with reasonable particularity; states the time under 21 U.S.C. § 853(n) when a petition contesting the forfeiture must be filed [no later than 60 days after the first day of publication on an official internet government forfeiture site]; and provides contact information for the government attorney to be served with the petition on Asset Recovery Unit, U.S. Attorney's Office, Northern District of Texas, 1100 Commerce Street, Third Floor, Dallas, Texas 75242. This notice shall also state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property; shall be signed by the petitioner under penalty of perjury;

and shall set forth the nature and extent of the petitioner's right, title or interest in the property and any additional facts supporting the petitioner's claim and the relief sought.

8. The government will also send, by means reasonably calculated to reach the person, direct written notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture of the property in ancillary proceedings.

IV. RELIEF

9. Therefore, the government asks the court to enter a preliminary order forfeiting the property to the government and ordering Homeland Security Investigations (or its designee) to seize and maintain custody of the property, subject to the provisions of 21 U.S.C. § 853(n).

Respectfully submitted,

ERIN NEALY COX
UNITED STATES ATTORNEY

/s/ Anna Marie Bell

ANNA MARIE BELL
Assistant United States Attorney
New Mexico Bar No. 12501
500 South Taylor, Suite 300
Amarillo, Texas 79101
Telephone: 806-324-2356
Email: anna.bell@usdoj.gov

CERTIFICATE OF CONFERENCE

I certify that the defendant and the attorney for the defendant have previously agreed to forfeiture of the property as requested.

/s/ Anna Marie Bell

ANNA MARIE BELL

Assistant United States Attorney

CERTIFICATE OF SERVICE

I certify that on July 15, 2019, I electronically filed the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic filing” to counsel for defendant, who has consented in writing to accept this Notice as service of this document by electronic means.

/s/ Anna Marie Bell

ANNA MARIE BELL

Assistant United States Attorney